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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 MICHAEL A. JACKSON,) CASE NO.: C08-1059-JLR-MAT
09)
Petitioner,)
10)
v.) ORDER DENYING PETITIONER'S
11) MOTION FOR APPOINTMENT OF
PAT GLEBE,) COUNSEL
12)
Respondent.)
13 _____)

14 Petitioner is a state prisoner who has filed *pro se* an amended petition for habeas corpus
15 pursuant to 28 U.S.C. § 2254. Petitioner has also filed a motion for appointment of counsel.
16 (Dkt. No. 23). Respondent has filed a response to the motion, objecting to appointment of
17 counsel. (Dkt. No. 24). The Court, having considered petitioner's motion, respondent's response,
18 and the balance of the record, does hereby find and ORDER:

19 (1) There is no right to have counsel appointed in cases brought under 28 U.S.C. §
20 2254 unless an evidentiary hearing is required. *See McCleskey v. Zant*, 499 U.S. 467, 495 (1991);
21 Rule 8(c) of the Rules Governing Section 2254 Proceedings for the United States District Courts,
22 28 U.S.C. foll. § 2254. The Court may exercise its discretion to appoint counsel for a financially

01 eligible individual where the “interests of justice so require” under 18 U.S.C. § 3006A. Whether
02 counsel should be appointed turns on the petitioner’s ability to articulate his or her claims in light
03 of the complexity of the legal issues, and the likelihood of success on the merits. *See Weygandt*
04 *v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

05 Petitioner fails to demonstrate that the legal issues are sufficiently complex to warrant
06 appointment of counsel or that the interests of justice would be best served by appointment of
07 counsel in this matter. Furthermore, petitioner has demonstrated that he is capable of responding
08 to the Court’s Orders, as evidenced by his filing of an amended habeas petition. Accordingly,
09 petitioner’s motion for appointment of counsel (Dkt. No. 23) is DENIED.

10 (2) The Clerk shall direct copies of this Order to petitioner, counsel for respondent,
11 and to the Honorable James L. Robart.

12 DATED this 13th day of January, 2009.

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15 Mary Alice Theiler
16 United States Magistrate Judge
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